

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE NO. 2:09-cr-00088-RK-1  
Mag No. 2:08-mj-01220

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

GEORGE GEORGIOU,

Defendant.

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DEFENDANT'S PROFFER IN SUPPORT  
OF ADMISSION OF "OTHER CRIMES" EVIDENCE  
ON THE PART OF GOVERNMENT WITNESS KEVIN WALTZER

Defendant, George Georgiou, through undersigned counsel, submits the instant proffer of proposed defense witness testimony in support of admission of "other crimes" evidence on the part of Government witness, Kevin Waltzer. The defense avers that the testimony of the witnesses described below is admissible and goes to material issues in this case, and in particular the bias of Government witness, Kevin Waltzer. The testimony also supports proof of a pattern of misconduct Waltzer engaged in, which included frauds against the Defendant.

1. Alan Daniel and Joel Tracy would testify that on May 18, 2006, Waltzer solicited them to invest money with him on the promise of profit within thirty to sixty (30-60) days. Waltzer secured the investment with property in Costa Rica. Daniel and Tracy gave Waltzer four hundred thousand dollars (\$400,000). Waltzer did not timely return the money. He made a couple small repayments, stopping in July 2007 (when he began his cooperation with the FBI). Daniel and Tracy tried to foreclose on the Costa Rica property, which turned out to be worth far

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less than Waltzer represented to them. Daniel and Tracy complained about Waltzer to the Newtown police department.

2. Detective Chuck Palco would testify that shortly after he took a complaint about Waltzer from Daniel and Tracy, he received a call from the FBI in or around August 2007 telling him to discontinue his investigation.

3. Craig Spitzer would testify that Waltzer defrauded him out of four hundred thousand dollars (\$400,000) in November 2005 by promising a payback of seven hundred thousand dollars (\$700,000) in sixty (60) days. Waltzer never paid back the money.

4. Florence Sague would testify that she was Kevin Waltzer's secretary for years. He concealed his frauds from her. Waltzer asked her in December 2007 to give him seventy five thousand dollars (\$75,000) as an investment. He said he needed the money and wanted it wired to his wife to avoid the government knowing. She took out a mortgage on her house and sent the money. Waltzer promised repayment in ninety (90) days, which never happened.

5. Jeff Katz would testify that Kevin Waltzer solicited money from him as recently as December 2009 and asked that the money be sent to Mr. Waltzer's wife.

6. Coleman Peterson would testify that in May 2006, Kevin Waltzer sold him an investment. He paid Waltzer one hundred thousand dollars (\$100,000) on a promise of a return of one hundred and twenty thousand dollars (\$120,000) in sixty (60) days. Waltzer failed to honor his agreement.

7. Mohamed Faisel Taj and Michael Gonzalez would testify that in June 2008 they met with Kevin Waltzer in Bucks County, Pennsylvania and that Waltzer solicited money from them to invest in his wife's settlements company, Future Annuities of America. Waltzer promised a media campaign and a pipeline of revenue. Waltzer's promises turned out false.

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They gave Waltzer sixty five thousand dollars (\$65,000) and another friend, Scott Stein, invested twenty five thousand dollars (\$25,000). They never got their money back and learned most of the money was taken by Waltzer's wife.

8. In addition, the defense renews its request to admit the recording/transcript of the January 8, 2008 conversation wherein Waltzer can be overheard discussing hiding assets.

Respectfully submitted,

s/ Michael S. Pasano

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been filed via electronic mail with the Clerk of the Court by using CM/ECF System which will send a notice of electronic filing to the following on this 1st day of February, 2010.

AUSA Derek A. Cohen  
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s/ Michael S. Pasano

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